

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONROY HIBBERT, JR., Plaintiff, -against- CITY OF NEW YORK, et al., Defendants.

22-CV-08257 (MMG)

ORDER OF DISMISSAL

MARGARET M. GARNETT, United States District Judge:

On October 24, 2024, the Court ordered Plaintiff *pro se* Conroy Hibbert (“Plaintiff”) to show cause as to why this case should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. Procedure 41(b) by submitting a letter by no later than December 19, 2024 providing a report on the status of this action. See Dkt. No. 63. In this order, the Court explicitly warned Plaintiff that failure to comply with this deadline risked prompt dismissal with prejudice. *See id.* The October 24, 2024 order was promptly mailed to Plaintiff by the Clerk’s Office at the address on file provided by Plaintiff. *See* Mailing Receipt Docket Entry at October 25, 2024.

That deadline has since passed and, as of today’s date, Plaintiff has not responded to the Court’s October 24, 2024 order nor has he otherwise indicated that he intends to pursue this action. Rule 41(b) of the Federal Rules of Civil Procedure provides that a District Court may dismiss an action if “the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order.” Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a District Court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response from Plaintiff, including any indication that he intends to pursue this case, the instant action is HEREBY DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to terminate all pending motions and close the case. The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Hibbert.

SO ORDERED.

Dated: January 3, 2025
New York, New York



MARGARET M. GARNETT
United States District Judge